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Attorneys for Defendants,

CITY OF ANAHEIM, JORGE

CISNEROS, PAUL DELGADO, BRETT

HEITMAN, KENNETH WEBER, and

CAITLIN PANOV

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ANTONIO LOPEZ, individually;
JOHANNA LOPEZ, individually; M.R.,
by and through his guardian ad litem,
April Rodriguez, individually and as
successor in interest to Brandon Lopez;
B.L. and J.L., by and through their
guardian ad litem Rachel Perez,
individually and as successor in interest
to Brandon Lopez; S.L., by and through
his guardian ad litem, Rocio Flores,
individually and as successor in interest
to Brandon Lopez,

Plaintiffs,

vs.

CITY OF ANAHEIM; CITY OF
SANTA ANA; DAVID VALENTIN;
JORGE CISNEROS; PAUL
DELGADO; BRETT HEITMAN;
KENNETH WEBER; CAITLIN
PANOV; DOES 1-10,

Defendants.

Case No. 8:22-cv-1351-JVS-ADS
[Hon. James V. Selna, Dist. Judge; Hon.
Autumn D. Spaeth, M. Judge]

**DECLARATION OF ABIGAIL J. R.
McLAUGHLIN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' EX PARTE MOTION
TO MODIFY THE SCHEDULING
ORDER**

*Filed Concurrently with Opposition to
Ex Parte*

Complaint Filed: 05/07/2022
Fact DCO: 05/10/2024
Trial Date: 09/17/2024

1 I, Abigail J. R. McLaughlin, declare as follows:

2 1. I am an attorney duly admitted to practice in all of the courts of the State
3 of California and I am a partner with Lewis Brisbois Bisgaard & Smith LLP, attorneys
4 of record for Defendants, CITY OF ANAHEIM, JORGE CISNEROS, PAUL
5 DELGADO, BRETT HEITMAN, KENNETH WEBER, and CAITLIN PANOV
6 (“Defendants”) herein. The facts set forth herein are of my own personal knowledge,
7 and if sworn I could and would competently testify thereto.

8 2. Defendants will have completed their fact discovery in this matter by the
9 current May 10, 2024 discovery cut-off, as Defendants took the deposition of Plaintiff
10 Antonio Lopez on January 15, 2024; served written discovery on Plaintiffs on March
11 4, 2024, and received responses to the same on April 29, 2024; and will be taking
12 Plaintiff Johanna Lopez’s deposition on May 8, 2024.

13 3. In contrast, even after the discovery deadlines in this matter were
14 extended, neither the settling plaintiffs nor the parent plaintiffs noticed or even
15 communicated with Defendants about any of the depositions of the shooting-involved
16 Anaheim officers.

17 4. On or about March 27, 2024, the Parties (the parent plaintiffs and the
18 Anaheim Defendants) agreed to participate in a second mediation in this matter before
19 the Hon. Joseph Biderman on April 2, 2024 beginning at 10:00 a.m. However, after
20 previously confirming that such mediation would proceed, on April 1, 2024 at 5:04
21 p.m. (less than 24 hours prior), Plaintiffs’ counsel informed both Defendants and
22 Judge Biderman that they were “recently informed of a new conflict that one of our
23 clients has with the scheduled mediation for tomorrow and therefore [are] not
24 available to proceed with the mediation session.” A true and correct copy of the e-
25 mail correspondence from Plaintiffs’ counsel reflecting this last-minute cancellation
26 is attached hereto as Exhibit “A”.

27 5. Though Plaintiffs remained open to a second mediation, they did not
28 reach out about alternative dates until Defendants informed Plaintiffs that they would

1 not agree to any continuances of the case management deadlines and trial date in this
2 matter unless and until the mediation has been rescheduled and completed. A true
3 and correct copy of the e-mail correspondence reflecting the Parties' counsel's
4 discussion regarding continuance of the case management deadlines and trial date in
5 this matter, as well as rescheduling of the mediation, is attached hereto as Exhibits
6 "B" and "C".

7 6. Upon information and belief, on May 7, 2024, Plaintiffs informed
8 Defendants of their intention to bring the subject *Ex Parte* Motion to Modify
9 Scheduling Order via phone. However, Plaintiffs did not inform Defendants of the
10 date they planned to file their *ex parte*. Additionally, Plaintiffs' *Ex Parte* Motion does
11 not contain the correct address or phone number for Defendants' counsel. Further,
12 Plaintiffs failed to inform Defendants that any opposition to their *ex parte* is required
13 to be filed not later than 24 hours after the filing and service of the *ex parte*.

14 7. Plaintiffs' counsel have been on notice of the approaching May 10, 2024
15 fact discovery cut-off, including via e-mail correspondence by Defendants' counsel
16 on April 15, 2024 via e-mail regarding the scheduling of Plaintiff Johanna Lopez's
17 deposition on May 8, 2024. A true and correct copy of this e-mail correspondence is
18 attached hereto as Exhibit "D".

19 8. Plaintiffs' counsel also were aware of both Parties' counsel's trial
20 conflict from April 16, 2025 to April 29, 2024 since on or about July 13, 2023, when
21 Hon. Anthony J. Battaglia set the trial date in the *Nunis, et al. v. City of Chula Vista,*
22 *et al.* matter (U.S.D.C., S.D. Cal., Case No. 21-cv-1627-TWR-DEB).

23 I declare under penalty of perjury under the laws of the United States of
24 America that the foregoing is true and correct and that this declaration was executed
25 on this 8th day of May, 2024, at Los Angeles, California.

26
27 /s/ Abigail J.R. McLaughlin
28 Abigail J. R. McLaughlin